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EXPRESS MAIL CERTIFICATE

Express Mail No.: - EV 645600417 US

Date of Deposit: - June 13, 2005

Type of Document(s):

- Transmittal Form (PTO/SB/21)
- Power Of Attorney and Correspondence Address Indication Form (PTO/SB/81) (3 pgs.)
- Chain of Title Documents (8 pgs.)
- Postcard Filing Receipt

Application No.: - 09/933,991

Filing Date: - August 20, 2001

Applicant(s): - Angshuman SAHA

Title: - SYSTEM FOR TRANSPORTING SUB-RATE DATA
OVER A COMMUNICATION NETWORK

Examiner: - Melanie Jagannathan

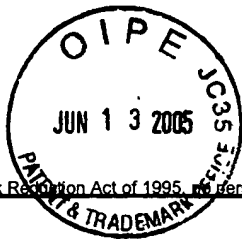
Art Unit: - 2666

Attorney Docket No.: - 6950-60280 (008856-0001)

Our Ref: - 4313

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

Barbara C. Brown
Barbara C. Brown
Paralegal



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

09/933,991

Filing Date

August 20, 2001

First Named Inventor

Angshuman SAHA

Art Unit

2666

Examiner Name

Melanie Jagannathan

Attorney Docket Number

6950-60280 (008856-0001)

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input checked="" type="checkbox"/> Power of Attorney, Revocation (1 pg.) | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |
| | Statement Under 37 CFR 3.73(b) Chain of Title Documents (9 pgs.) Return Receipt Postcard | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--|----------|--------|
| Firm Name | DOUGHERTY, CLEMENTS, HOFER, BERNARD & WALKER | | |
| Signature | <i>Christopher L. Bernard /CB</i> | | |
| Printed name | Christopher L. Bernard | | |
| Date | June 13, 2005 | Reg. No. | 48,234 |

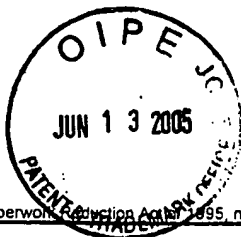
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-------------------------|------|-----------|
| Signature | <i>Barbara C. Brown</i> | | |
| Typed or printed name | Barbara C. Brown | Date | 6-13-2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/81 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

| | |
|------------------------|-----------------------------------|
| Application Number | 09/933,991 |
| Filing Date | August 20, 2001 |
| First Named Inventor | Angshuman SAHA |
| Title | System for Transporting...Data... |
| Art Unit | 2666 |
| Examiner Name | Melanie Jagannathan |
| Attorney Docket Number | 6950-60280 (008856-0001) |

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

22474

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR


☐ The address associated with Customer Number:

OR

| | | | | |
|--|--|-------|----------------|-----|
| <input type="checkbox"/> Firm or Individual Name | | | | |
| Address | | | | |
| City | | State | North Carolina | Zip |
| Country | | | | |
| Telephone | | Email | | |

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

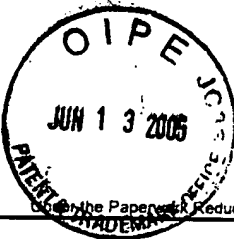
| | | | |
|-------------------|---|-----------|--------------|
| Signature |  | Date | 6/10/05 |
| Name | Tyler S. Brown | Telephone | 410-865-8078 |
| Title and Company | Chief IP Counsel, CIENA Corporation | | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 01 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Angshuman SAHA

Application No./Patent No.: 09/933,991 Filed/Issue Date: August 20, 2001

Entitled: System for Transporting Sub-Rate Data Over a Communication Network

CIENA Corporation, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Angshuman SAHA et al. To: ONI Systems Corp.
The document was recorded in the United States Patent and Trademark Office at
Reel 12334, Frame 0909, or for which a copy thereof is attached.
2. From: ONI Systems Corp. To: CIENA Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Tyler G. Brown
Signature

Tyler G. Brown
Printed or Typed Name

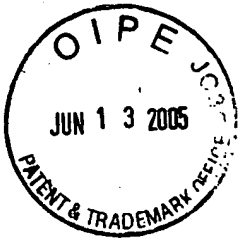
Chief IP Counsel, CIENA Corporation
Title

6/10/05
Date

410-865-8078
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
4450-0355P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Angshuman SAHA et al. Conf. 7706
Appl. No.: 09/933,991 Group: 2152
Filed: August 20, 2001 Examiner: Unknown
For: SYSTEM FOR TRANSPORTING SUB-RATE DATA
OVER A COMMUNICATION NETWORK

REVOCATION OF POWER OF ATTORNEY, SUBSTITUTE POWER
OF ATTORNEY, AND CHANGE IN CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Assignee of the above-identified patent application, CIENA Corporation having a business office at 1201 Winterson Road, Linthicum, MD 21090, as evidenced by the enclosed Certificate Under 37 C.F.R. § 3.73(b) showing chain of title, hereby revokes any and all previous powers of attorney for the above-identified patent application or issued patent, and hereby appoints the practitioners at CUSTOMER NO. 02292 (BIRCH, STEWART, KOLASCH & BIRCH, LLP) as the attorneys of the Assignee to receive all correspondence relating to the above-identified application or patent and to transact all business in the United States Patent and Trademark Office connected therewith, with full power of substitution and revocation, and the Assignee ratifies any act done by the Assignee's attorneys in respect of this patent.


The new correspondence address is:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

The undersigned (whose title is supplied below) is empowered to sign this Revocation and Substitute Power of Attorney on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4/2/04
Date


Signature

Russell B. Stevenson, Jr.

Typed or printed name

Senior Vice President
General Counsel & Secretary
CIENA Corporation
Title

Enclosure: Certificate Under 37 C.F.R. § 3.73(b)
showing chain of title.

(Rev. 02/18/2004)



PATENT
4450-0355P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Angshuman SAHA et al. Conf. 7706
Appl. No.: 09/933,991 Group: 2152
Filed: August 20, 2001 Examiner: Unknown
For: SYSTEM FOR TRANSPORTING SUB-RATE DATA
OVER A COMMUNICATION NETWORK

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)
SHOWING CHAIN OF TITLE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CIENA Corporation, a corporation certifies that it is the assignee of the patent application or issued patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application or issued patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

- OR -

- B. ☒ A chain of title from the inventor(s), of the patent application or issued patent identified above, to the current assignee as shown below:

1. From: ONI SYSTEMS CORPORATION
To: CIENA Corporation
The document was filed in the Patent and Trademark Office on March 8, 2004, for which a copy thereof is attached.

2. From: Angshuman Saha, Andre Archambault; and Carlos Henriquez
To: ONI SYSTEMS CORPORATION
The document was recorded in the Patent and Trademark Office at Reel 12534, Frame 0909.

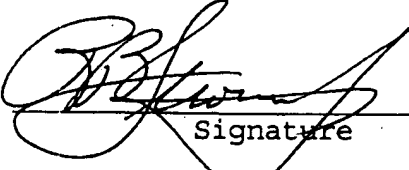
- ☐ Additional documents in the chain of title are attached.
- ☐ Copies of assignments or other documents in the chain of title are attached

The undersigned has reviewed all the documents in the chain of title of the patent application or issued patent identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

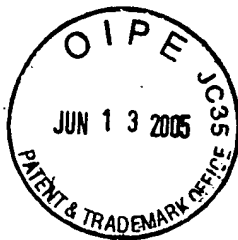
4/2/04
Date


Signature

Russell B. Stevenson, Jr.

Typed or printed name

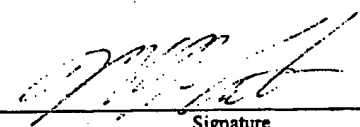
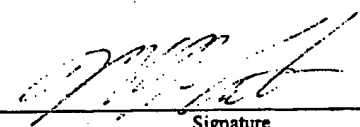
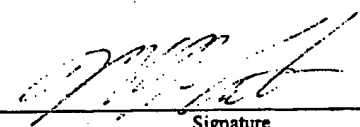
Senior Vice President
General Counsel & Secretary
CIENA Corporation
Title



Atty. Docket No.: 4450-0359P
Page 1 of 1

RECORDATION FORM COVER SHEET

To the Director of the U.S. Patent and Trademark Office:
Please record the attached original documents or copy thereof.

| | | | | | | |
|---|---|--|--|---|---|------------------------------|
| 1. Name of conveying party(ies): ONI SYSTEMS CORPORATION | | 2. Name and address of receiving party(ies) Name: CIENA Corporation Internal Address: Street Address: 1201 Winterson Road City: Linthicum State: MD ZIP: 21090 Country: USA Postal Code: Additional name(s) & address(es) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | |
| Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | | |
| 3. Nature of conveyance: <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Merger Execution Date: June 21, 2002 | | | | | | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s). 10/161,217 09/933,991 09/855,822 10/027,916 B. Patent No.(s). Additional numbers attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: BIRCH, STEWART, KOLASCH & BIRCH, LLP Street Address: P.O. BOX 747 City: FALLS CHURCH State: VA ZIP: 22040-0747 Country: USA | | 6. Total No. of applications/patents involved: four (4) 7. Total fee (37 C.F.R. § 3.41): \$160.00 <input checked="" type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account, if no fee attached. 8. Deposit account number: <u>02-2448</u> (Attach triplicate copy of this page if paying by deposit account) | | | | |
| DO NOT USE THIS SPACE | | | | | | |
| 9. Statement and signature. <table border="0" style="width: 100%;"><tr><td style="width: 33%;"><u>Michael R. Cammarata, #39,491</u> Name of Person Signing/Reg. No.</td><td style="width: 33%; text-align: center;"> Signature</td><td style="width: 33%; text-align: right;"><u>March 8, 2004</u> Date</td></tr></table> | | | | <u>Michael R. Cammarata, #39,491</u> Name of Person Signing/Reg. No. |  Signature | <u>March 8, 2004</u> Date |
| <u>Michael R. Cammarata, #39,491</u> Name of Person Signing/Reg. No. |  Signature | <u>March 8, 2004</u> Date | | | | |
| Total number of pages including cover sheet, attachments, and document: sixty (60) | | | | | | |



Papers Filed herewith on:

March 8, 2004 16

DOCKET NO.: 4450-0100M ATTY: MPC

Appln. Nos: 10/161,217
09/933,991
01/855,822
10/027,916

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DO
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ page
☐ Combined Declaration & Power of Attorney
☒ Assignment / Cover Letter (merger) ☐ TRADEMARK
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EQ/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response _____
☐ Information Disc Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: \$160.00 (Ch. no. 9013906)
☐ Letter: _____
☐ Other: _____

MAR 08 2004

DOCKET NO. 4450-0100M

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: _____
Handcarry: _____



Delaware

PAGE 1

The First State

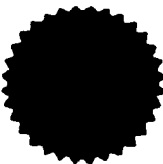
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ONT SYSTEMS CORP.", A DELAWARE CORPORATION,

WITH AND INTO "CIENA CORPORATION" UNDER THE NAME OF "CIENA CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 1:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 11:59 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

2314539 8100M

020402001

AUTHENTICATION: 1845589

DATE: 06-21-02



**CERTIFICATE OF MERGER
OF**

**ONI SYSTEMS CORP.,
a Delaware Corporation**

WITH AND INTO

**CIENA CORPORATION,
a Delaware Corporation**

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 01:39 PM 06/13/2005
0294027001 - 2214239

The undersigned corporation DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

| NAME | STATE OF INCORPORATION |
|--------------------------|-------------------------------|
| CIENA Corporation | Delaware |
| ONI Systems Corp. | Delaware |

SECOND: That an agreement of merger between the constituent corporations has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is **CIENA Corporation.**

FOURTH: That the certificate of incorporation of **CIENA Corporation**, a Delaware corporation, the surviving corporation, shall be the certificate of incorporation of the surviving corporation.



FIFTH: That the executed agreement of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Wintercorn Road, Linthicum, MD 21090.

SIXTH: That a copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of each of the constituent corporations.

SEVENTH: The effective date of the merger shall be as of 11:59 p.m. Eastern Time on June 31, 2002.

IN WITNESS WHEREOF, CIENA Corporation, a Delaware corporation, has caused this certificate to be signed by Russell E. Stevenson, Jr., its Senior Vice President, General Counsel and Secretary, an authorized officer of the corporation, this 31st day of June, 2002.

CIENA Corporation,
a Delaware corporation

By: 

Russell E. Stevenson, Jr.
Senior Vice President, General
Counsel and Secretary

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